

Proposed Clustering Requirements for Resource Lands (AG-10 and FR-20)
March 28, 2016

**40.210.010 FOREST, AGRICULTURE AND AGRICULTURAL-WILDLIFE DISTRICTS
(FR-80, ~~FR-20~~, ~~FR-40~~, ~~AG-10~~, ~~AG-20~~, AG-WL)**

E. Agriculture and Forest Lands Cluster Development.

1. Purpose.

- a. The purpose of subsection 40.210.010(E) is to provide for small lot residential development in the resource zoning districts (AG-10 and FR-20) which maintains and conserves larger remainder parcels for agricultural and forest uses, protects and/or enhances sensitive environmental and wildlife habitat areas, and minimizes impacts to necessary public services. These goals are achieved by allowing the placement of homes on a small portion of the property while maintaining the majority of the site in a non-buildable remainder parcel. This is consistent with the goals and policies of the Growth Management Act, especially the provisions for innovative development techniques to conserve resource lands.
- b. The provisions of this subsection shall apply to all land divisions in the AG-10 and FR-20 zoning districts after July 1, 2016.
- c. In the AG-10 zoning district:
 - (1) Land divisions that result in parcels twenty (20) acres in size or larger are allowed under the exemption provisions of Section 40.540.020(B)(4)(b).
 - (2) Land divisions that result in parcels less than (20) acres in size must be platted and meet the additional requirements of this chapter.
- d. In the FR-20 zoning district, land divisions that result in parcels less than (40) acres in size must be platted and meet the additional requirements of this chapter.
- e. Previously approved cluster or lot reconfiguration remainder lots are not eligible to use the provisions of this section. (from Section 40.210.020(D)(7))

2. Definitions. For the purposes of this subsection, the following definitions shall apply:

- a. “Building envelope” shall mean that buildable portion of a lot or parcel (the area outside of setbacks and easements) which is designated on the final plat for the location of a structure.
- b. “Critical lands” shall mean those lands classified by Chapter 40.440 as habitat areas, by Chapter 40.450 as any wetland category and associated buffers, by Chapter 40.430 as landslide hazard areas, all lands subject to Shoreline Management Act jurisdiction by Chapter 40.460, and all lands within a designated one hundred (100) year floodplain or floodway by Chapter 40.420.
- c. “Remainder parcel” shall mean the remainder parcel of the cluster subdivision that contains the majority of the land within the development and is devoted to resource or open space use.

3. Development Standards.

- a. Cluster developments are required, and are allowed a maximum density equivalent to that which would be permitted by applying the otherwise applicable minimum lot size requirements of this section. The density shall be based on one hundred percent (100%) of the gross area of the site.
- b. Cluster lots shall be created, as follows:
 - (1) to minimize conflicts between housing and agricultural or forest uses;
 - (2) along parent property boundary lines, adjacent to existing roads, and to minimize the need for new roads and driveways;
 - (3) to have building envelopes that avoid critical areas;
 - (4) on parcels with an existing house, one of the cluster lots has to include the existing house;
 - (5) to be adjacent to each other and to any pre-existing residence, unless the location of the existing residence would preclude compliance with the other provisions of this subsection;
 - (6) if located on agriculturally zoned land, and to the extent not precluded by other provisions of this subsection, to be limited lands with poor soils or soils otherwise unsuitable of agriculture purpose;
and
 - (7) each cluster lot shall contain a buffer from abutting resource uses.
- c. Remainder parcel.

- (1) The remainder parcel shall be contiguous. Fragmentation of the parcel by public or private road easements and/or building sites shall not occur unless no other reasonable alternative exists. Remainder parcels shall also be located adjacent to other bordering remainder parcels or public parks and open space, if practical.
- (2) The remainder parcel shall be non-buildable and used for the agriculture and forestry uses as listed in Table 40.210.010-1(8)(a), (b) and (d), or as open space.
- (3) A farm or forest management plan is required for the remainder parcel. The plan shall be submitted and approved with the preliminary application. The plan shall identify permitted uses and management of the parcel so that it maintains designated agricultural or forest functions and provides for the protection of all critical areas. The management plan shall identify the responsibility for maintaining the remainder parcel. The plan shall also include any construction activities (for example, fencing or agricultural buildings) and vegetation clearing that may occur on-site. Management plans may be modified through a Type II process.
- (4) A note shall be placed on the plat, and a restrictive covenant shall be recorded, that clearly state that only the above uses are permitted on the parcel. The note and covenant shall also incorporate the management plan, as described above.
- (5) The remainder parcel shall not be further subdivided or reduced in size unless brought into an urban growth area.
- (6) Remainder parcels shall not be further reduced in size.

4. Lot Requirements. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.210.010-4 and 40.210.010-5, subject to the provisions of Chapter 40.200 and Section 40.550.020.

| <u>Table 40.210.010-4. Lot Requirements -- FR-20 and AG-10 Cluster Developments</u> | | | |
|--|--|---------------------------------|---------------------------------|
| <u>Lot Type</u> | <u>Lot Size</u> | <u>Minimum Lot Width (feet)</u> | <u>Minimum Lot Depth (feet)</u> |
| <u>Cluster Lot</u> | <u>1 acre¹</u> | <u>140</u> | <u>140</u> |
| <u>Remainder Lot</u> | <u>85% or greater of the parent parcel²</u> | <u>None</u> | <u>None</u> |

¹ Unless a larger size is required by the Clark County Public Health. Cluster lots can use right-of-way to meet the minimum lot size as permitted by Section 40.200.040(C)(1).

² The minimum standard for remainder parcels controls the maximum size of cluster lots.

| <u>Table 40.210.010-5. Setbacks, Lot Coverage and Building Height -- FR-20 and AG-10 Cluster Development¹</u> | | | | | | |
|---|--|-------------------------|-----------------------|-----------------------|-----------------------------|---------------------------------------|
| <u>Zoning District and Lot Type</u> | <u>Location or Structure Type</u> | <u>Minimum Setbacks</u> | | | <u>Maximum Lot Coverage</u> | <u>Maximum Building Height (feet)</u> |
| | | <u>Front (feet)</u> | <u>Side (feet)</u> | <u>Rear (feet)</u> | | |
| <u>FR-20 and AG-10 Cluster Lots</u> | <u>Residential or agricultural structures abutting a cluster lot</u> | <u>20</u> | <u>20</u> | <u>20</u> | <u>N/A</u> | <u>35³</u> |
| | <u>Residential structures abutting a resource district</u> | <u>50²</u> | <u>50²</u> | <u>50²</u> | | |
| | <u>Agricultural structures</u> | <u>20</u> | <u>20</u> | <u>20</u> | | |

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|--|---|-----------|-----------|-----------|--|--|
| | | | | | | |
| | <u>Vehicle entry gates</u> | <u>20</u> | <u>20</u> | <u>20</u> | | |
| | <u>All other situations, except for well houses</u> | <u>50</u> | <u>20</u> | <u>50</u> | | |

¹Development on remainder lots is subject to Tables 40.210.010-1 through 5.

²Except in cases where it can be shown that requiring the normal setback will result in the location of the building sites within inappropriate areas such as wildlife habitat or wetland areas or the dimensions of the development site render it unbuildable.

³Residential buildings only.

5. Design Requirements. The design requirements for cluster developments are listed below. These requirements shall be recorded on the plat.

a. No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping.

b. To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features.

6. Landscaping Standards. Cluster developments shall be landscaped within the developed portion of cluster lots to reduce views of the development from public right(s)-of-way, so that a filtered view is provided of the cluster and the cluster does not dominate the landscape.

a. At a minimum, proposed or existing landscaping and vegetation shall be of sufficient size and type to provide a buffer of vegetation six (6) feet in height and fifty percent (50%) opaque year round within three (3) years of planting. New landscaping materials shall consist of native vegetation as provided on the Clark County plant list (see the Standard Details Manual). A combination of trees and shrubs must be used.

b. All landscaping shall be installed prior to final plat unless financial guarantees are made for its installation prior to any building permit activity. Any required landscaping materials that fail to survive within the first two (2) years shall be promptly replaced.

7. Procedures. Cluster land divisions shall be processed in accordance with the procedures for land divisions in Chapter 40.540.

8. Notice of Resource Activities. Where otherwise undevelopable cluster remainder parcels are designated for commercial timber or agricultural activities the following notice shall be recorded as part of the Developer Covenants to Clark County for each parcel within the cluster:

“The subject property is adjacent to commercial agricultural or forest lands on which a variety of commercial activities may occur that are not compatible with residential development. Potential discomforts or inconvenience may include, but are not limited to: Noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.”

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B. Applicability

4. Exemptions

- b. With the exception of parcels in an FR-20 zoning district subject to Section 40.210.010(E)(1),
Divisions of land into lots or tracts, each of which is one thirty-second (1/32) of section or larger, or
twenty (20) acres or larger, if the land is not capable of description as a fraction of a section of
land.....
